

THE HONORABLE BRIAN D. LYNCH
CHAPTER 13
HEARING DATE: November 6, 2019
HEARING TIME: 1:30 P.M.
LOCATION: Tacoma, Washington
RESPONSE DATE: October 30, 2019

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:

Case No.: 16-40965-BDL

JULIE DIANE QUINTANILLA and
WILLIAM ANDREW
QUINTANILLA,

**NOTICE OF AND MOTION FOR DISMISSAL
PURSUANT TO 11 U.S.C. § 1307(c)**

Debtors.

NOTICE

YOU ARE HEREBY NOTIFIED that a hearing on Trustee's Motion to Dismiss will be heard before the Honorable Brian D. Lynch at **1:30 P.M. on November 6, 2019**, at the U.S. Bankruptcy Courthouse, 1717 Pacific Avenue, Courtroom I, Tacoma, WA 98402.

IF YOU OPPOSE this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN THE RESPONSE DATE, which is **October 30, 2019**. You should also appear at the time of

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

1 hearing. If you fail to do so, the Court may enter an order granting the motion without any
2 hearing and without further notice.

3

4 **MOTION**

5 **COMES NOW**, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

- 6 1. Debtors filed this case on **March 9, 2016**. The case was confirmed by order of the Court on
7 **May 27, 2016**. A modified plan was filed on September 26, 2016, which was approved by
8 order of the Court on October 24, 2016.
- 9 2. Pursuant to the modified plan, Debtors are required to make plan payments of **\$180.00**
10 **every two weeks**. Debtors are presently delinquent in plan payments in the amount of
11 **\$1,011.13**, supported by the Declaration filed herewith.
- 12 3. In addition, Debtors have failed to provide their 2016, 2017, and 2018 tax returns to the
13 Trustee.
- 14 4. Debtors have defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable
15 delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan
16 payments.

18 **WHEREFORE** the Trustee prays that this case be dismissed and closed.
19

20 **DATED** this 27th day of September, 2019 at Tacoma, Washington.
21

22
23 /s/ Matthew J.P. Johnson
Matthew J.P. Johnson, WSBA# 40476 for
Michael G. Malaier, Chapter 13 Trustee
24

25 Michael G. Malaier
Chapter 13 Standing Trustee
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Tacoma, WA 98402
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